

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. 23-cv-____ (____/____)

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$61,450 IN U.S. CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

The plaintiff, United States of America, through its attorneys Andrew M. Luger, United States Attorney for the District of Minnesota, and Lucas B. Draisey, Assistant United States Attorney, in a civil cause of action for forfeiture, alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is an action to forfeit and condemn to the use and benefit of the United States of America \$61,450 in U.S. Currency for violations of 21 U.S.C. § 841 *et seq.*

THE DEFENDANT *IN REM*

2. The defendant *in rem* is \$61,450 in U.S. Currency seized from 1073 Waterloo Avenue, West Saint Paul, Minnesota on November 1, 2019. The defendant *in rem* is in the custody of the United States Marshals Service.

JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* to forfeit and condemn the defendant \$61,450 in U.S. Currency (the “Defendant Currency”). This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the Defendant Currency under 28 U.S.C. § 1355(b). Upon the filing of this Complaint, the Plaintiff requests that the Clerk of Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b)(i), which the Plaintiff will execute upon the Defendant Currency pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in the District of Minnesota pursuant to 28 U.S.C. § 1355(b)(1) because the acts or omissions giving rise to the forfeiture occurred in this District, and pursuant to 28 U.S.C. § 1395 because the Defendant Currency is located in this District.

FACTS

6. On September 28, 2019, Saint Paul Police Department (SPPD) Officers responded to the scene of a homicide outside a local bar. Officers identified a John Sheldon Pickens, Jr. (Pickens) as a possible accomplice to that homicide, having seen him on security footage at the location of the crime.

7. Officers wanted to speak with Pickens and discovered that he had an unrelated misdemeanor warrant for his arrest. SPPD obtained a tracking warrant for a

phone known to belong to Pickens. On October 7, 2019, the phone tracking showed Pickens was at 1073 Waterloo Avenue, West Saint Paul, Minnesota, 55118.

8. SPPD Sargent Salim Omari wrote a search warrant for Pickens' phones to conduct forensic exams. From that data, Sgt. Omari was able to see a photo of Pickens sitting on a counter with what appeared to be two kilograms of narcotics. One of the packaged kilograms was on a measuring scale, commonly used to measure narcotics.

9. SPPD learned that Pickens' girlfriend, Ashley Clark ("Clark") lived in apartment #273C. Review of Pickens' social media showed Pickens and Clark together. On October 7, 2019, SPPD conducted physical surveillance and observed Pickens come out of the apartment building and place a baby stroller into a white Jeep that SPPD found was registered to Clark. On information and belief, Pickens and Clark have at least one biological child together.

10. Continued monitoring of Pickens' cell phone showed Pickens regularly stayed at 1073 Waterloo Ave. in October 2019.

11. On October 31, 2019, Pickens' phone was observed traveling to Chicago. Pickens spent only a couple hours in Chicago and then returned to Minnesota on the morning of November 1, 2019. SPPD tracked Pickens to Saint Paul and attempted to stop him. He fled in his vehicle. Once SPPD was able to stop Pickens' vehicle, Pickens was then arrested and the Officers found six, two-pound "bricks" of packaged cocaine in his car.

12. SPPD obtained a state search warrant for Pickens' and Clark's apartment located at 1073 Waterloo Avenue, Apartment #273C, West Saint Paul, Minnesota.

13. On November 1, 2019, SPPD officers executed the warrant. Ashley Clark opened the apartment door.

14. The search of the apartment revealed \$58,400 in a plastic Sears bag in the main bedroom closet. Officers found documents in the main bedroom with Pickens' name on them, including a drivers license application and a Ramsey County citation for "fleeing police/not in a motor vehicle" issued to Pickens on October 7, 2019.

15. The search of the apartment also found \$3,050 was on a counter in the kitchen. The currency in the kitchen was rubber banded.

16. Similarly, currency in the plastic bag in the bedroom was either rubber banded or grouped in quick count stacks of large denomination bills.

17. Those two sums constitute the defendant, \$61,450 in U.S. Currency.

18. During the search, Officers asked Clark about the currency in the bedroom. Clark told Officers that she did not know anything about the money in the plastic bag.

19. Officers asked Clark about the currency in the kitchen. Clark claimed it was hers and that it was rent money.

20. Officers also recovered three handguns and ammunition in the apartment.

21. On June 24, 2021, a jury found Pickens guilty of Possession with Intent to Distribute cocaine in an amount greater than five kilograms related to the six bricks of cocaine found in his car.

22. During the trial leading up to the guilty verdict, law enforcement officers testified that drug trafficking is a cash business. A large quantity seller/dealer would be expected to have large amounts of proceeds in cash because banks are not generally used

for illicit currency. And the stacks of \$100, \$50 and \$20 bills found in his and Clark's apartment were consistent with the denominations expected for the amount of drugs Pickens was transporting.

BASIS FOR FORFEITURE

23. The allegations in the preceding paragraphs are realleged and incorporated by reference.

24. The defendant \$61,450 in U.S. Currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it was furnished or intended to be furnished in exchange for a controlled substance, constitutes proceeds traceable to such an exchange, or was used or intended to be used to facilitate a violation of the Controlled Substances Act.

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CLAIM FOR RELIEF

25. The plaintiff requests that the Court issue a warrant for the arrest and seizure of the Defendant *in rem*, that notice of this action be given to all persons who reasonably appear to be potential claimants of interests in the Defendant *in rem*, that the Defendant *in rem* be forfeited and condemned to the United States of America, that the plaintiff be awarded its costs and disbursements in this action, and for such other and further relief as this Court deems proper and just.

Dated: March 6, 2023

ANDREW M. LUGER
United States Attorney

/s/ Lucas B. Draisey

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VERIFICATION

I, Dale Ouse, verify and declare under penalty of perjury as follows:

I am a Special Agent with Homeland Security Investigations (“HSI”). I have read the foregoing Verified Complaint *In Rem* and know the contents thereof, and the matters contained in the Verified Complaint are true to my own knowledge, except that those matters not within my knowledge are alleged on information and belief, and I believe those matters to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information provided to me by other law enforcement agencies and officers, and information I have learned by reviewing reports prepared by other law enforcement agencies and officers, as well as my investigation of this case, together with others, as an HSI Special Agent.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated: March 3, 2023

s/ Dale Ouse
DALE OUSE
Homeland Security Investigations
Special Agent